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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,214	02/10/2005	Yoichi Yagasaki	240512US6PCT	6424
22850	7590	04/23/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PHILIPPE, GIMS S	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			04/23/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/524,214	<b>Applicant(s)</b> YAGASAKI ET AL.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/10/05, 1/23/06, 9/23/06, 5/14/08</u> .                      | 6) <input type="checkbox"/> Other: ____.                          |



### **DETAILED ACTION**

1. This is a first office action in response to application no. 10/524,214 filed on February 10, 2005 in which claims 1-21 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10-12 are rejected under 35 U.S.C. 101 as not falling within one of the four categories of inventions.

With respect to claims 10-12, Supreme Court precedent and recent Federal Circuit decision indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transform underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process.

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For example in claims 10-11, the method for encoding a video signal including steps of applying arithmetic coding, counting and encoding is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine.

The applicant has provided no explicit and deliberate definition of applying arithmetic coding, counting and encoding to limit the steps of generating transformed video signal.

For example in claim 12, the method for decoding a compressed video signal including steps of applying arithmetic decoding, counting and decoding is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine.

The applicant has provided no explicit and deliberate definition of applying arithmetic decoding, counting and decoding to limit the steps of generating transformed video signal.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Martemyanov et al. (US Patent no. 7,336,720).

Regarding claims 1, 6, 10-11, 13 and 18, Martemyanov discloses a video information encoding method and apparatus for encoding a video signal (See Abstract, and col. 3, lines 7-10), comprising first means for applying a predetermined transformation to the video signal to generate a transformed video signal; (See fig. 3, transformation means 58, 60 and col. 24, lines 1-4) second means for applying an arithmetic coding to the transformed video signal (See fig. 3, items 72, 74 and 76 col. 24, lines 31-44); and means for counting a number of pieces of input data and output data in/from said second means (See fig. 3, item 78); in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, the data is not taken as data to be encoded and an encoding process differing from that applied by said first means is applied to the video signal (See col. 25, lines 36-47).

As per claims 8, 12 and 20, Martemyanov discloses a video information decoding method and apparatus for decoding a compressed video signal (See col. 3, lines 40-41), comprising first means for applying an arithmetic decoding to the compressed video signal to generate an arithmetic decoded signal (See col. 3, lines 41-43); second means

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for applying a predetermined transformation to the arithmetic decoded signal (See col. 3, lines 44-47); and means for counting a number of pieces of input data and output data in/from said first decoding means (See col. 7, lines 35-38, lines 50-52 and col. 10, lines 53-56); in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, the data is not taken as data to be decoded and performs a predefined error processing (See col. 25, lines 44-47).

As per claims 2-3 and 14-15, most of the limitations of these claims have been noted in the above rejection of claims 1, 13. In addition, Martemyanov further disclose applying different encoding parameter to the video signal in the first means resulting in differing the encoding process (See col. 5, lines 38-57).

As per claims 4, 7, 9, 16, 19 and 21, most of the limitations of these claims have been noted in the above rejection of claims 1, 6, 8, 18 and 20. In addition, Martemyanov further discloses a macroblock as the encoding unit (See col. 3, lines 30-32).

As per claims 5 and 17, providing an encoding unit as a slice is considered an inherent feature in Martemyanov because in col. 7, lines 5-10, macroblocks are coded sequentially. A slice is nothing more than a group of macroblocks.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Karczewicz (US Patent Application Publication no. 2004/0021592 A1) teaches discloses adaptive variable length coding of digital video.

Karczewicz et al. (US Patent no.6856701) teaches method and system for context-based adaptive binary arithmetic coding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe  
Primary Examiner  
Art Unit 2621

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